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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/122,484	07/24/98	LATIER	T 8285/181

WM41/1215  
BRINKS HOFER GILSON & LIONE  
P O BOX 10395  
CHICAGO IL 60610

EXAMINER	
NGUYEN, D	
ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 12/15/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/122,484

Applicant(s)

LATTER ET AL.

Examiner

Duc M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-45 and 57-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-45, 57-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6, 9-10, 12-13, 15-28, 30-45, 60-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Tatchell et al (5,905,774).

Consider claims 1, 30 and 45, 60, 64, 67-68. Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); recording audible caller ID information transmitted from the

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calling communication station (col. 18, ln 59-61); means for transmitting the audible caller identification information to the called communication station (e.g., agent announces calling party upon subscriber going off-hook; figure 8b step 106) without transmitting an additional request for audible caller ID information to the calling communication station (e.g., the only time the agent transmits an additional request for audible caller ID information to the calling communication station is when the CLID is not in the contact directory, col. 21, ln 9-17); and canceling the call in response to input from the called communication station (see figure 8d steps 116-119).

Consider claim 2. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transferring the call to a voice mail system in response to input from the called communication station (column 21 lines 20-40).

Consider claim 3. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transferring the call to another location (i.e., voice mail) in response to input from the called communication station (column 21 lines 20-40).

Consider claim 4. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transmitting a message to the calling communication station in response to input from the called communication station (column 21 lines 20-40; column 18 line 64 to column 19 line 11).

Consider claim 5. Tatchell further teaches that the input from the called communication station comprises dual tone multi-frequency tones (column 16 lines 20-35).

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Consider claims 6, 66. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transmitting a text message to the called communication station (e.g., transmitting a text message, and translating the text message to speech; column 18 lines 39-63).

Consider claim 9. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further inherently teaches the step of determining whether a human is available to answer the call (e.g., see figures 8c-d); and connecting the calling communication station to the called communication station in response to a determination that a human is available to answer the call (e.g., call answered? Yes ---> subscriber goes off-hook; see figures 8c-d).

Consider claim 10. Tatchell further teaches steps of connecting a service node (telephone switching center 10) with the called communication station (i.e., 17a-n); transmitting a request for input to the called communication station, and determining whether input was transmitted from the called communication station (column 18 lines 39-63; column 21 lines 20-40).

Consider claim 12. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of determining whether a human is available to answer the call (see figure 8c); and connecting the calling communication station with a voice mail system in response to a determination that a human is not available to answer the call (e.g., call answered? No ---> Agent sends call to voice mail; see figure 8c).

Consider claim 13. Tatchell further teaches steps of connecting a service node (telephone switching center 10) with the called communication station (i.e., 17a-n); transmitting a request for

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input to the called communication station, and determining whether input was transmitted from the called communication station (column 21 lines 20-40).

Consider claim 15. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches that his method can be utilized in an advanced intelligent network (SS7 network; column 6 line 63 to column 10 line 47).

Consider claim 16. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 17, 33 and 40. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station is incomplete (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106).

Consider claim 18. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 19-20. Tatchell further teaches the step of transmitting a request for the calling party to speak his/her name (see figure 8b).

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Consider claim 21. Tatchell further teaches the step of transmitting a message to the called communication station, the message comprising accept and reject options and a request for input from the called communication station (column 21 lines 20-40).

Consider claim 22. Tatchell further teaches the step determining whether a human is available to answer the call (see figure 8c).

Consider claim 23. Tatchell further teaches the step of connecting the call in response to input from the called communication station (column 21 lines 20-40).

Consider claim 24. Tatchell further teaches the step of canceling the call in response to input from the called communication station (column 21 lines 20-40).

Consider claim 25. Tatchell further teaches the step of transferring the call to a voice mail system in response to input from the called communication station (column 21 lines 20-40).

Consider claim 26. Tatchell further teaches the step of transferring the call to another location in response to input from the called communication station (column 21 lines 20-40).

Consider claim 27. Tatchell further teaches the step of transmitting a message to the calling communication station in response to input from the called communication station (column 21 lines 20-47).

Consider claim 28. Tatchell further teaches the step of transmitting a text message to the called communication station (e.g., transmitting a text message, and translating the text message to speech; column 18 lines 39-63).

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Consider claims 31 and 38. Tatchell teaches all the subject matter claimed, note see the rejection of claim 30, and further teaches that his method can be utilized in an advanced intelligent network (SS7 network; column 6 line 63 to column 10 line 47). The telephone switching database (19) or subscriber database (see figure 2b) reads on the SCP; the personal agent processor (11) reads on the service node.

Consider claims 32 and 39. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 34 and 41. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 35 and 42. Tatchell further teaches that the service node is operative to transmit audible messages to the calling communication station (column 21 lines 20-47).

Consider claims 36 and 43. Tatchell further teaches that the service node is operative to transmit audible messages to the called communication station (see figures 8a-d).

Consider claims 37 and 44. Tatchell further teaches that the service node is operative to receive and respond to input from the called communication station (column 21 lines 20-40).



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Consider claims 61-63. Tatchell further teaches the limitations of claims 61-63 in (col. 18, ln 64 to col. 19, ln. 11).

Consider claim 65. Tatchell further teaches the step of transmitting a request for the calling party to speak his or her name (see figure 8b).

***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 11, 14, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Yaker (5,848,142).

Consider claim 7. Tatchell does not teach that the text message comprises a name of a telephone service.

Yaker further teaches the text message comprises a name of a telephone service (i.e., "call waiting"; column 7 lines 26-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Yaker into the teachings of Tatchell so that the

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callee can easily monitor the status of the incoming calls and the service invoked by the incoming calls.

Consider claim 11. Yaker further teaches the steps of disconnecting the service node and the called communication station (column 2 lines 60-64); and placing a second call to the called communication station (column 6 lines 13-18).

Consider claim 14. Yaker further teaches the steps of disconnecting the service node and the called communication station (column 2 lines 60-64); and placing a second call to the called communication station (column 6 lines 13-18).

Consider claim 29. Tatchell does not teach that the text message comprises the name of a telephone service.

Yaker further teaches that the text message comprises the name of a telephone service (i.e., "call waiting"; column 7 lines 26-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Yaker into the teachings of Tatchell so that the callee can easily monitor the status of the incoming calls and the service invoked by the incoming calls.

5. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (5,033,076) in view of Yaker (5,848,142).

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Consider claims 57-59. Jones teaches a method for processing a call from a calling party (i.e., caller station 101) at a calling communication station to a called communication station (i.e., called station 111), the method comprising the steps of (a) determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., if the call is made from a caller who does not wish to have his number displayed to a called customer...; see the entire abstract); (b) transmitting a request for caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., the caller is given a special announcement; in response to this announcement if the caller keys a special privacy override code then the call is completed with the caller's number displayed; see the entire abstract); (c) transmitting the caller identification information to the called communication station (e.g., the caller is given a special announcement; in response to this announcement if the caller keys a special privacy override code then the call is completed with the caller's number displayed; see the entire abstract); and (d) canceling the call in response to input from the called communication station (this step is met due to the fact that called party can reject or deny the call).

Jones does not teach the step of transmitting a request for audible caller identification information to the calling communication station.

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Yaker teaches the step of transmitting audible caller identification information to the calling communication station (column 5 line 47 to column 6 line 18; especially column 6 lines 5-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Yaker into the teachings of Jones in order to provide caller ID information to handicap people such as blind people.

#### ***Response to Arguments***

6. Applicant's arguments filed 8/18/2000 have been fully considered but they are not persuasive.

Regarding the Tatchell reference, applicant states "Tatchell et al. does not disclose transmitting a text message to the called communication station...". The examiner disagrees with applicant's opinion. The personal agent in Tatchell has the ability to transmit both text and audible caller ID information to the called station (e.g., the ability to translate from text to speech). Furthermore, transmitting a text message containing calling party information to the called station is well known in the art (e.g., calling name delivery or conventional caller ID information).

Applicant further states that Tatchell does not disclose determining whether or not a human is available to answer the call. The examiner disagrees with applicant's opinion. Figure 8c includes the steps "call answered?" --> "busy or no answer" --> "agent sends call to voice mail"

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(this reads on a human is not available to answer the call), or “call answered?” --> “yes” (this reads on a human is available to answer the call).

Regarding claim 57, in the first non-final office action, the examiner have pointed out that Jones teaches transmitting the [standard] caller identification information to the called communication station (e.g., the caller is given a special announcement; in response to this announcement if the caller keys a special privacy override code then the call is completed with the caller's number displayed; see the entire abstract).

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 308-6306 or (703) 308-6296**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

October 31, 2000



Duc Nguyen  
Primary Examiner

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## IMPORTANT NOTICE

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Effective October 1, 2000, the Examiner handling this application will be assigned to a new Art Unit. For any written or facsimile communication submitted **ON OR AFTER** October 1, 2000, this Examiner, who was assigned to Art Unit 2743, will be assigned to Art Unit 2643. Please include the new Art Unit in the caption or heading of any communication submitted after the October 1, 2000 date. Your cooperation in

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this matter will assist in the timely processing of the submission and is appreciated by the Office.